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15 July 1992

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-seventh session
Items 30, 35 and 74 of the
preliminary list*
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLE AND OTHER
ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-seventh year

Letter dated 15 July 1992 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

I am instructed by the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention:

Since early yesterday, more than 5,000 students, faculty and staff of Al-Najah University in Nablus, occupied Palestinian West Bank, have been under siege on campus by Israeli occupying forces. The students were exercising their democratic right to elect their student government, when a large number of Israeli soldiers surrounded the University, intimidating and harassing everyone on campus. It has been almost two days of stand-off without having any access to food or medical services for the needy inside the besieged University. This critical situation is endangering the lives of many Palestinians at Al-Najah University. During the same time, another Palestinian, Imad Shqiqat, 27, was assassinated in Jaba'a village near Jenin on 13 July 1992 by Israeli members of the death squads.

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* A/47/50.

These and all other illegal Israeli measures are violations of the norms of international law and of United Nations resolutions, especially Security Council resolutions. It is, further, a clear threat to the security and safety of our people under Israeli occupation.

We call upon the United Nations, especially the Security Council, to provide international protection for the Palestinian people living in the occupied Palestinian territory, including Jerusalem. We call further on the Secretary-General to use his good offices and the mandate given to him by Security Council resolution 681 (1990).

I should be grateful if you would arrange to have the text of the present letter circulated as an official document of the General Assembly, under items 30, 35 and 74 of the preliminary list, and of the Security Council.

(Signed) Dr. Nasser AL-KIDWA
Permanent Observer of
Palestine to the United Nations

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16 July 1992

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Forty-seventh session
Item 103 of the preliminary list*

QUESTION OF EAST TIMOR

Letter dated 10 July 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement on East Timor made by the spokesman of the Ministry of Foreign Affairs of Portugal at Lisbon, on 26 May 1992 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under item 103 of the preliminary list.

(Signed) Fernando REINO
Ambassador of Portugal
Permanent Representative
to the United Nations

* A/47/50.

ANNEX

Statement made by the spokesman of the Ministry of Foreign Affairs of Portugal at Lisbon, on 26 May 1992, concerning the trials and sentencing of East Timorese in Jakarta and Dili

1. As it has been widely reported, the Indonesian authorities have continued to bring to trial and to sentence several East Timorese arrested in Indonesia and in East Timor in the aftermath of the Dili massacre of civilians by Indonesian military, on 12 November 1991.

2. Gregorio da Cunha Saldanha and Francisco Miranda Branco, charged with "subversion" in Dili for organizing the demonstration at the Santa Cruz cemetery, which was repressed with the brutality and cruelty that horrified the world, are subject to a life sentence and to a 15-year prison term, respectively, as called for by State prosecutors. João Freitas Camara has just been sentenced to a 10-year prison term and Fernando Araujo to eight years in jail. Both of them, residents in Indonesia, were accused of having organized the demonstration, held at Jakarta on 18 November 1991, protesting against the Dili massacre, and also for being members of the East Timorese student organization RENETIL. The prosecutors have called also for an eight-year prison sentence to Juvencio Martins and a 10-year sentence to Jacinto Raimundo Alves, charged for helping to organize anti-Indonesian demonstrations and for publicly expressing hostile feelings towards the Government of Indonesia. Virgilio da Silva Guterres and Domingos Barreto already had two-and-a-half years and six-months prison sentences imposed on them, respectively, on the same grounds. Other trials are under way of East Timorese involved in those events.

3. None of them has been indicted for violent activities, but solely for peaceful political action or for the exercise of rights and freedoms enshrined in the Universal Declaration of Human Rights, aimed at upholding the human rights in East Timor and the right to self-determination universally recognized by its people.

4. This is a clear demonstration that Indonesia persists in blatantly disregarding the provisions of the consensus agreed upon by the United Nations Commission on Human Rights, on 4 March 1992, to which Indonesia subscribed, and which called for the release without delay of all the East Timorese arrested on the occasion not involved in violent activities.

5. The ongoing trials, on the other hand, do not meet the minimum standards of fairness and impartiality regarded as universal and called for also by the Commission on Human Rights. The judges do not conceal their partiality; the defending lawyers are denied free access to the accused (they were even barred from attending the initial interrogations of their clients); most of the witnesses render their testimonies in advance under police interrogation and do not turn up before the court, which draws its conclusions from their written records; the laws are iniquitous (namely, the notorious Subversion Law

whose repeal was requested by the Special Rapporteur on Torture of the Commission on Human Rights in his recommendations, endorsed by that Commission in the above-mentioned consensus accepted by Indonesia); human rights organizations were prevented from attending the trials. All these factors deny the latter any credibility, used in fact as mere instruments for political oppression in a country whose leaders publicly recognize that the courts cannot be regarded as independent from the executive.

6. Portugal has consistently denounced the iniquity of these proceedings, instituted against those who are opposed by peaceful means to the illegal occupation of East Timor by Indonesia. It should be recalled in particular that the Indonesian courts are deprived of any legitimate jurisdiction in East Timor, since the United Nations and the international community, as a whole, do not recognize the legality of its occupation by the Republic of Indonesia.

7. This swift and brutal dealing with those who sided with the victims of the Santa Cruz massacre strikes an impressive contrast with the slowness and leniency with which the Indonesian authorities have carried out the measures that they have engaged themselves to take against its authors. This is so in spite of all the promises Indonesia timely made to diffuse international criticism and, once more, of what it was called upon to do by the United Nations Commission on Human Rights. In fact practically nothing was until now disclosed on the disciplinary and investigative action to be undertaken against the military held responsible for the carnage, or on the trials to which some of them are supposed to be brought. Even their identities are still unknown.

8. The Indonesian Government thus shows its utmost contempt for the international community, and also that it has subscribed with bad faith to the consensus announced by the Chairman of the Commission on Human Rights, on 4 March, as it never had any real intention of complying with its provisions. Indonesia has been carrying out lately an increasingly harsher and more intimidating policy towards the people of East Timor. Moreover, it has practically reverted to the "close off" policy imposed in the past, for many years, on the territory. All this still stands in flagrant contradiction with the recommendations of the Commission on Human Rights.

Indonesia's behaviour demonstrates once more, if need be, that a real settlement of the question of East Timor and the effective respect for the basic human rights of its people will not be possible without the exercise of their right to self-determination, in conformity with the relevant resolutions of the General Assembly and the Security Council of the United Nations.

9. The international community has to reject strongly these sentences and to demand the immediate release of the accused, who are guilty after all of having striven, by peaceful means, to see that what is called for in those resolutions be observed in East Timor.

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QUESTION OF EAST TIMOR

Letter dated 10 July 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement on East Timor made by the spokesman of the Ministry of Foreign Affairs of Portugal at Lisbon on 2 July 1992 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under item 103 of the preliminary list.

(Signed) Fernando REINO
Ambassador of Portugal
Permanent Representative to the
United Nations

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ANNEX

Statement made at Lisbon on 2 July 1992 by the spokesman of the Ministry of Foreign Affairs of Portugal on the sentencing to life imprisonment of a Timorese in Dili

Portugal has repeatedly denounced the steady cynicism and contempt with which Indonesia defies international criticism and démarches. The Jakarta authorities continue to offer a deplorable image in the trials and sentencing of the Timorese civilians arrested in the wake of the massacre committed on 12 November 1992 in Santa Cruz Cemetery.

It has now been the turn of Gregorio da Cunha Saldanha to be sentenced to life imprisonment, accused of having been the main instigator and organizer of the demonstration held on that day. A few days ago, Francisco Miranda Branco was given 15 years. Neither of them was charged with violence, and both should, therefore, like the other civilian demonstrators who have received long prison sentences, have been released without delay in accordance with the consensus statement of the United Nations Commission on Human Rights to which Indonesia subscribed.

The iniquitous and unlawful sentence handed down to Gregorio da Cunha Saldanha shows Indonesia's growing contempt for the international community. It is clear proof that the promises it made with the aim of lessening the indignation caused by the massacre cannot be trusted, and that the Indonesian authorities have no intention whatsoever of respecting the commitments they made before the Commission on Human Rights.

Indonesian repression of the survivors of the Santa Cruz massacre remains merciless, while the soldiers actually responsible for the shooting have been given token sentences, mainly on charges of disobeying orders. The promised investigations into the circumstances surrounding the massacre, and punishment of those responsible, have produced this grotesque result, which reveals a total lack of good faith.

Indonesia's willingness to go back on its own word cannot be ignored by those who hitherto have sought to justify their own acceptance of the promises of the Government of Jakarta and the "cooperative" attitude it has been demonstrating since the Santa Cruz massacre.

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Item 69 of the preliminary list*

REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

Letter dated 14 July 1992 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement of the European Economic Community and its member States on the bombardment of Gorazde, issued on 14 July 1992 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under item 69 of the preliminary list.

(Signed) D. H. A. HANNAY
Permanent Representative

* A/47/50.

ANNEX

Statement of the European Economic Community and its member States on the bombardment of Gorazde, issued on 14 July 1992

The European Economic Community and its member States make clear their condemnation of the bombardment by Serb forces of the city of Gorazde and other cities in Bosnia. These brutal and indiscriminate attacks upon defenceless civilians are wholly contrary to the basic humanitarian precepts of international law.

They call for an immediate end to these attacks, urgent measures to relieve the suffering and deprivation of the population, and for a resumption, without preconditions and in good faith by all parties concerned, of serious negotiations in Lord Carrington's conference.